

REMARKS

Claims 1-38 are pending in the present application. By this amendment, claims 1-13, 16, 18-20, 26, and 30 are amended. Applicants respectfully request reconsideration of the present claims in view of the following remarks.

I. Claims 1, 2, 13, 18, and 30 are novel and patentable over Howe.

Claims 1-2, 13, 18, and 30 are rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 5,471, 519 to Howe et al. (hereinafter "Howe"). This rejection is respectfully traversed.

A. Claims 1-2 are allowable.

As amended, claim 1 recites that a central office switch for monitoring a call forwarded to a network-based voice mail system (VMS) comprises if the call is not answered, means for forwarding the call to the VMS; after the call is forwarded to the VMS, means for receiving a call monitoring provisioned signal from the VMS, wherein the call monitoring provisioned signal indicates that call monitoring is allowed; and in response to the call monitoring provisioned signal, means for sending an activate call monitoring data message and a call monitoring alert signal to the CPE associated with the called party to alert the called party that call monitoring is available.

Howe does not teach, suggest, or describe a central office switch for monitoring a call forwarded to a network-based voice mail system as recited by claim 1. On the contrary, Howe describes a system for processing a communication directed to a called party including a service node operative to receive a communication directed to a called party and initiate a call to the called party requesting disposition information (whether called party wants to accept, reject, or monitor the call). If the called party answers the call within a predetermined amount of time, then Howe describes that the service node is operative to provide the called party with options to accept, reject, or monitor the call, and if the called party selects to monitor the call, the service node is operative to establish

a one-way connection from the communication to the called party. If the called party does not answer the call within the predetermined amount of time, then Howe describes that the called party is unable to monitor the communication.

This is not analogous to the central office switch recited by claim 1 because Howe fails to teach, suggest, or describe that the service node is operative to provide the called party with the option to monitor the call after the call is not answered. Instead, Howe describes that call monitoring is not available to the called party if the called party does not answer the call.

For at least the reasons given above, claim 1 is allowable over Howe. Since claim 2 depends from claim 1 and recites additional features, Applicants respectfully submit that Howe does not anticipate or make obvious Applicants' claimed invention as embodied in claim 2 for at least these reasons. Accordingly, Applicants respectfully request withdrawal of this rejection.

B. Claim 13 is allowable.

As amended, claim 13 recites that a method for monitoring a call forwarded to a network based voice mail system comprises if the call is not answered, then forwarding the call to the voice mail system; after forwarding the call to the voice mail system, determining whether the call can be monitored; if the call can be monitored, then sending a call monitoring alert signal and an activate call monitoring message to customer premises equipment (CPE) associated with a called party to alert the called party that call monitoring is available.

Howe does not teach, suggest, or describe a method for monitoring a call forwarded to a network based voice mail system as recited by claim 13. In contrast, Howe describes a method for processing a communication directed to a called party including receiving a communication directed to a called party and initiating a call to the called party requesting disposition information (whether called party wants to accept, reject, or monitor the call). If the called party answers the call within a predetermined amount of time, then Howe describes providing the called party with options to accept, reject, or monitor the call, and if the called party selects to monitor the call, then

establishing a one-way connection from the communication to the called party. If the called party does not answer the call within the predetermined amount of time, then Howe describes that the called party is unable to monitor the communication.

This is not analogous to the method recited by claim 13 because Howe fails to teach, suggest, or describe providing the called party with the option to monitor the call after the call is not answered. Instead, Howe describes that call monitoring is not available to the called party if the called party does not answer the call.

For at least the reasons given above, claim 13 is allowable over Howe. Accordingly, Applicants respectfully request withdrawal of this rejection.

C. Claim 18 is allowable.

As amended, claim 18 recites that a method for monitoring a call forwarded to a network based voice mail system (VMS) comprises if the call is not answered, then forwarding the call to the VMS; after forwarding the call to the VMS, receiving a call monitoring provisioned signal from the VMS indicating that call monitoring is allowed; and in response to receiving the call monitoring provisioned signal from the VMS sending a call monitoring alert signal and sending an activate call monitoring data message indicating that call monitoring is available to customer premises equipment (CPE) associated with the called party number.

Howe does not teach, suggest, or describe a method for monitoring a call forwarded to a network based voice mail system as recited by claim 18. On the contrary, as discussed above, Howe describes a method for processing a communication directed to a called party including receiving a communication directed to a called party; initiating a call to the called party requesting disposition information (whether called party wants to accept, reject, or monitor the call); if the called party answers the call within a predetermined amount of time, then providing the called party with options to accept, reject, or monitor the call; and if the called party selects to monitor the call, then establishing a one-way connection from the communication to the called party. However, if the called party does not answer the call within the predetermined amount of time, Howe describes that the called party is unable to monitor the communication.

This is not analogous to the method recited by claim 18 because Howe fails to teach, suggest, or describe providing the called party with the option to monitor the call after the call is not answered. Instead, Howe describes that call monitoring is not available to the called party if the called party does not answer the call.

For at least the reasons given above, claim 18 is allowable over Howe. Accordingly, Applicants respectfully request withdrawal of this rejection.

D. Claim 30 is allowable.

As amended, claim 30 recites that a method for monitoring a call forwarded to a network based voice mail system comprises if the call is not answered, then receiving a call monitoring alert signal from a central office switch (CO); in response to receiving the call monitoring alert signal, providing an alert to a called party that call monitoring is available; receiving an activate call monitoring data message from the CO; and in response to receiving the activate call monitoring data message, going off-hook and engaging a speaker assembly to monitor the call.

Howe does not teach, suggest, or describe a method for monitoring a call forwarded to a network based voice mail system as recited by claim 30. In contrast, Howe describes a method for processing a communication directed to a called party including receiving a communication directed to a called party; initiating a call to the called party requesting disposition information; if the called party answers the call within a predetermined amount of time, then providing the called party with options to accept, reject, or monitor the call; and if the called party selects to monitor the call, then establishing a one-way connection from the communication to the called party. However, if the called party does not answer the call within the predetermined amount of time, Howe describes that the called party is unable to monitor the communication.

This is not analogous to the method recited by claim 30 because Howe fails to teach, suggest, or describe providing the called party with the option to monitor the call after the call is not answered. Instead, Howe describes that call monitoring is not available to the called party if the called party does not answer the call.

Moreover, Howe fails to teach, suggest, or describe establishing a one-way connection from the communication to the called party so that the called party can monitor the communication in response to the called party answering the call. Instead, Howe describes that the called party must select whether to monitor the call before the one-way connection is established to allow the called party to monitor the call.

For at least the reasons given above, claim 18 is allowable over Howe. Accordingly, Applicants respectfully request withdrawal of this rejection.

II. Claims 26 to 29 are non-obvious and patentable over Howe in view of Woo and Muller.

Claims 26-29 are rejected under 35 U.S.C. §103(a) as being unpatentable over Howe in view of United States Patent No. 4,811,381 to Woo et al. (hereinafter "Woo") and further in view of United States Patent No. 6,295,341 to Muller (hereinafter "Muller"). This rejection is respectfully traversed.

As amended, claim 26 recites that a method for monitoring a call forwarded to a network based voice mail system (VMS) comprises playing a voice message greeting associated with the called party number; when the voice message greeting begins playing, sending a start of greeting signal from the VMS to the central office switch so that call monitoring is allowed if the central office switch is provisioned to begin call monitoring upon receipt of the start of greeting signal; and sending an end of greeting signal upon completion of the voice message greeting from the VMS to the central office switch so that call monitoring is allowed if the central office switch is provisioned to begin call monitoring upon receipt of the end of greeting signal.

Howe does not teach, suggest, or describe a method for monitoring a call forwarded to a network based voice mail system as recited by claim 26. Instead, Howe describes a method for processing a communication directed to a called party including receiving a communication directed to the called party and initiating a call to the called party requesting disposition information (whether called party wants to accept, reject, or monitor the call). If the called party does not answer the call within three rings, then Howe describes routing the call to the message service where the calling party hears the

typical announcement information provided by the message service. If the called party answers the call on the fourth or fifth ring, then Howe describes providing the called party with options to accept, reject, or monitor the call, and if the called party selects to monitor the call, then establishing a one-way connection from the communication to the called party. If the called party does not answer the call within the predetermined amount of time, then Howe describes that the called party is unable to monitor the communication.

This is not analogous to the method recited by claim 26 because Howe fails to teach, suggest, or describe sending a start of greeting signal from the message service to the service node so that call monitoring is allowed if the service node is provisioned to begin call monitoring upon receipt of the start of greeting signal and sending an end of greeting signal upon completion of the voice message greeting from the message service to the service node so that call monitoring is allowed if the service node is provisioned to begin call monitoring upon receipt of the end of greeting signal. Howe does not describe sending any signaling from the message service when the typical announcement message begins playing or ends playing. Instead, Howe describes providing the called party with the option to monitor the call if the called party answers the call within the first five rings.

The Office Action relies on the teaching of Woo to allegedly cure the above-noted deficiencies of Howe. However, like Howe, Woo does not teach, suggest, or describe a method for monitoring a call forwarded to a network based voice mail system as recited by claim 26. To the contrary, Woo describes a method for providing the extension number of a called party to a voice message system (VMS) including monitoring a communication to the called party as it is passed to the private branch exchange from the central office and storing the extension number of the called party at an integration device. If the call to the called party is forwarded to the VMS, then Woo describes generating a playback signal at the VMS which informs the integration device that information about the call (e.g., the dialed extension number) is desired. In response to the playback signal, Woo describes providing the VMS with the extension number to identify the called party. In response to receiving the extension number associated with

the called party, Woo describes playing a greeting message corresponding to the extension number.

This is not analogous to the method recited by claim 26 because Woo fails to teach, suggest, or describe sending a start of greeting signal from the VMS to the central office when the voice message greeting begins playing so that call monitoring is allowed if the central office is provisioned to begin call monitoring upon receipt of the start of greeting signal. Instead, Woo describes sending a playback tone from the VMS to the integration device to inform the integration device to provide information about the call, and in response to receiving the information from the integration device, playing a greeting message, without suggesting sending a start of greeting signal from the VMS to the central office when the voice message greeting begins to play so that call monitoring is allowed if the central office is provisioned to begin call monitoring upon receipt of the start of greeting signal.

Moreover, Woo fails to teach or suggest sending an end of greeting signal upon completion of the voice message greeting from the VMS to the central office so that call monitoring is allowed if the central office is provisioned to begin call monitoring upon receipt of the end of greeting signal. Instead, Woo describes playing a greeting message in response to receiving information about the call from the integration device, without suggesting sending an end of greeting signal upon completion of the greeting message from the VMS to the central office so that call monitoring is allowed if the central office is provisioned to begin call monitoring upon receipt of the end of greeting signal.

The Office Action relies on the teaching of Muller to allegedly cure the above-noted deficiencies of Howe and Woo. However, like Howe and Woo, Muller does not teach, suggest, or describe a method for monitoring a call forwarded to a network based voice mail system as recited by claim 26. On the contrary, Muller describes a method for monitoring voice messages including receiving a call at a Remote Answering Device if the call is not answered by a human after a preselected number of rings; playing a greeting at the Remote Answering Device; prompting the caller to wait for a beep; conferencing the user's voice mail number into the call to establish a conference call; and

once the conference call is established, playing the beep and recording the message, which is also being played live on a speaker in the user's home.

This is not analogous to the method recited by claim 26 because Muller fails to teach, suggest, or describe sending a start of greeting signal from the Remote Answering Device to a central office switch when the greeting begins playing so that call monitoring is allowed if the central office switch is provisioned to begin call monitoring upon receipt of the start of greeting signal. Instead, Muller describes establishing a conference call to monitor a message to be left at the Remote Answering Device after playing the greeting, without suggesting sending a signal from the Remote Answering Device to a central office switch when the greeting begins playing to allow call monitoring if the central office switch is provisioned to begin call monitoring upon receipt of the signal.

Further, Muller fails to teach or suggest sending an end of greeting signal upon completion of the voice message greeting from the Remote Answering Device to a central office switch so that call monitoring is allowed if the central office switch is provisioned to begin call monitoring upon receipt of the end of greeting signal. In contrast, Muller describes establishing a conference call with the user's voice mail number by sending a hook flash signal and dialing the user's voice mail number, and in response to establishing the conference call, playing a beep and recording the message, which is played on the speaker in the user's home.

This is not analogous to the method recited by claim 26 because Muller fails to teach or suggest sending an end of greeting signal to a central office switch to allow call monitoring if the central office switch is provisioned to begin call monitoring upon receipt of the end of greeting signal.

For at least the reasons given above, claim 26 is allowable over the combined teaching of Howe, Woo, and Muller. Since claims 27-29 depend from claim 26 and recite additional features, Applicants respectfully submit that the combined teaching of Howe, Woo, and Muller does not make obvious Applicants' claimed invention as embodied in claims 27-29 for at least these reasons. Accordingly, Applicants respectfully request withdrawal of this rejection.

III. Claims 3 to 5 are non-obvious and patentable over Howe in View of Woo.

Claims 3-5 are rejected under 35 U.S.C. §103(a) as being unpatentable over Howe in view of Woo. Applicants respectfully traverse this rejection.

For at least the reasons stated above, claim 1 is allowable over Howe. Since claims 3-5 depend from claim 1 and recite additional features, Applicants respectfully submit that the combined teaching of Howe and Woo does not make obvious Applicants' claimed invention as embodied in claims 3-5 for at least these reasons. Accordingly, withdrawal of this rejection is respectfully requested.

IV. Claims 6, 7, 14 to 17, 21, 24, 31, and 32 are non-obvious and patentable over Howe in View of Rogers

Claims 6-7, 14-17, 21, 24, and 31-32 are rejected under 35 U.S.C. §103(a) as being unpatentable over Howe in view of United States Patent No. 5,946,386 to Rogers et al. (hereinafter "Rogers"). Applicants respectfully traverse this rejection.

A. Claim 6-7 are allowable.

For at least the reasons stated above, claim 1 is allowable over Howe. Since claims 6-7 depend from claim 1 and recite additional features, Applicants respectfully submit that the combined teaching of Howe and Rogers does not make obvious Applicants' claimed invention as embodied in claims 6-7 for at least these reasons. Accordingly, withdrawal of this rejection is respectfully requested.

B. Claims 14-17 are allowable.

For at least the reasons stated above, claim 13 is allowable over Howe. Since claims 14-17 depend from claim 13 and recite additional features, Applicants respectfully submit that the combined teaching of Howe and Rogers does not make obvious Applicants' claimed invention as embodied in claims 14-17 for at least these reasons. Accordingly, withdrawal of this rejection is respectfully requested.

C. Claims 21 and 24 are allowable.

For at least the reasons stated above, claim 18 is allowable over Howe. Since claims 21 and 24 depend from claim 18 and recite additional features, Applicants respectfully submit that the combined teaching of Howe and Rogers does not make obvious Applicants' claimed invention as embodied in claims 21-24 for at least these reasons. Accordingly, withdrawal of this rejection is respectfully requested.

D. Claims 31-32 are allowable.

For at least the reasons stated above, claim 30 is allowable over Howe. Since claims 31-32 depend from claim 30 and recite additional features, Applicants respectfully submit that the combined teaching of Howe and Rogers does not make obvious Applicants' claimed invention as embodied in claims 31-32 for at least these reasons. Accordingly, withdrawal of this rejection is respectfully requested.

V. Claim 8 is non-obvious and patentable over Howe in view of Rogers and Manicome

Claim 8 is rejected under 35 U.S.C. §103(a) as being unpatentable over Howe in view of Rogers and further in view of United States Patent No. 5,748,718 to Manicome (hereinafter "Manicome"). This rejection is respectfully traversed.

For at least the reasons stated above, claim 1 is allowable over Howe. Since claim 8 depends from claim 1 and recites additional features, Applicants respectfully submit that the combined teaching of Howe, Rogers, and Manicome does not make obvious Applicants' claimed invention as embodied in claim 8 for at least these reasons. Accordingly, withdrawal of this rejection is respectfully requested.

VI. Claims 9 and 33 are non-obvious and patentable over Howe in View of Manicome

Claims 9 and 33 are rejected under 35 U.S.C. §103(a) as being unpatentable over Howe in view of Manicome. This rejection is respectfully traversed.

A. Claim 9 is allowable.

For at least the reasons stated above, claim 1 is allowable over Howe. Since claim 9 depends from claim 1 and recites additional features, Applicants respectfully submit that the combined teaching of Howe and Manicome does not make obvious Applicants' claimed invention as embodied in claim 9 for at least these reasons. Accordingly, withdrawal of this rejection is respectfully requested.

B. Claim 33 is allowable.

For at least the reasons stated above, claim 30 is allowable over Howe. Since claim 33 depends from claim 30 and recites additional features, Applicants respectfully submit that the combined teaching of Howe and Manicome does not make obvious Applicants' claimed invention as embodied in claim 33 for at least these reasons. Accordingly, withdrawal of this rejection is respectfully requested.

VII. Claims 10 to 12, 14, 15, 22, 23, 25, and 34 to 38 are patentable over Howe in View of Manicome and Gardell

Claims 10-12, 14-15, 22-23, 25, and 34-38 are rejected under 35 U.S.C. §103(a) as being unpatentable over Howe in view of Manicome and further in view of United States Patent No. 6,011,896 to Gardell et al. (hereinafter "Gardell"). Applicants respectfully traverse this rejection.

A. Claims 10-12 are allowable.

For at least the reasons stated above, claim 1 is allowable over Howe. Since claims 10-12 depend from claim 1 and recite additional features, Applicants respectfully submit that the combined teaching of Howe, Manicome, and Gardell does not make obvious Applicants' claimed invention as embodied in claims 10-12 for at least these reasons. Accordingly, withdrawal of this rejection is respectfully requested.

B. Claims 14-15 are allowable.

For at least the reasons stated above, claim 13 is allowable over Howe. Since claims 14-15 depend from claim 13 and recite additional features, Applicants respectfully submit that the combined teaching of Howe, Manicome, and Gardell does not make obvious Applicants' claimed invention as embodied in claims 14-15 for at least these reasons. Accordingly, withdrawal of this rejection is respectfully requested.

C. Claims 22-23 and 25 are allowable.

For at least the reasons stated above, claim 18 is allowable over Howe. Since claims 22-23 and 25 depend from claim 18 and recite additional features, Applicants respectfully submit that the combined teaching of Howe, Manicome, and Gardell does not make obvious Applicants' claimed invention as embodied in claims 22-23 and 25 for at least these reasons. Accordingly, withdrawal of this rejection is respectfully requested.

D. Claims 34-38 are allowable.

For at least the reasons stated above, claim 30 is allowable over Howe. Since claims 34-38 depend from claim 30 and recite additional features, Applicants respectfully submit that the combined teaching of Howe, Manicome, and Gardell does not make obvious Applicants' claimed invention as embodied in claims 34-38 for at least these reasons. Accordingly, withdrawal of this rejection is respectfully requested.

VIII. Claim Rejections Under 35 U.S.C. §103(a) Over Howe

Claims 19-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Howe. This rejection is respectfully traversed.

For at least the reasons stated above, claim 18 is allowable over Howe. Since claims 19-20 depend from claim 18 and recite additional features, Applicants respectfully submit that Howe does not make obvious Applicants' claimed invention as embodied in claims 19-20 for at least these reasons. Accordingly, withdrawal of this rejection is respectfully requested.

CONCLUSION

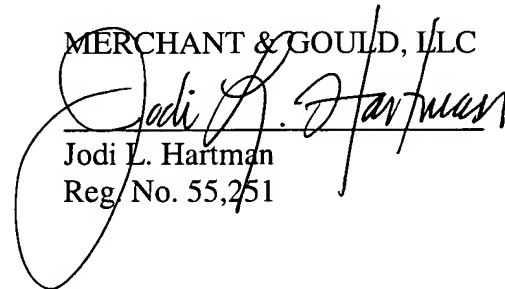
For at least these reasons, Applicants assert that the pending claims 1-38 are in condition for allowance. Applicants further assert that this response addresses each and every point of the Office Action, and respectfully request that the Examiner pass this application with claims 1-38 to allowance. Should the Examiner have any questions, please contact Applicants' undersigned attorney at 404.954.5042.

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Respectfully submitted,

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